

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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Maurice Wallace

-v-

ORDER OF DISMISSAL FOR
FAILURE TO PROSECUTE,
ADOPTING REPORT&RECOMMENDATION
CV 09-3685 (JS) (WDW)

Suffolk Co. Correctional Facility, et al.
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APPEARANCES:

For Plaintiff(s):
Maurice Wallace, Pro Se
#10-A-4795
Green Haven Correctional Facility
P.O. Box 4000
Stormville NY 12582

For Defendant(s):
Richard Dunne, Esq.
Suffolk Co. Dept. of Law
P.O. Box 6100
Hauppauge NY 11788

SEYBERT, DISTRICT JUDGE:

The above-captioned case was filed on Aug. 3, 2009.

After giving the plaintiff three opportunities to provide his list of witnesses and exhibits, a telephone conference was held on Dec. 5, 2012, by Magistrate Judge William D. Wall. At that time, no such list had been produced, despite Judge Wall's warnings that failure to follow the Court's directives would be viewed as a failure to properly prosecute the action. Judge Wall issued a Report and Recommendation for Dismissal on Dec. 6, 2012 (docket entry [31]).

As there has been no objection, Judge Wall's Report & Recommendation is adopted in its entirety. IT IS HEREBY ORDERED that the case be DISMISSED with prejudice for lack of prosecution, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. The Clerk of Court is directed to mark the case closed.

SO ORDERED.

J/S **JOANNA SEYBERT**
JOANNA SEYBERT, U.S.D.J.

Dated: Central Islip, New York
Jan. 16, 2013